THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.2022 OF 2007

DATED: 06-02-2007

Between:

V.K. Reddy

.. Petitioner

and

The Regional Manager, APSRTC, Prakasam District at Ongole and three others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.2022 OF 2007

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in imposing punishment of deferment of annual increment for a period of six months with cumulative effect vide proceedings No.01/95(130)/98-KDKR dated 12.05.1999, on the petitioner, which was enhanced in the appeal by the appellate authority and further confirmed by the review authority, as arbitrary and illegal.

It appears, the petitioner is working as a Conductor in A.P. State Road Transport Corporation since 1989. While so, on the allegation of cash and ticket irregularities, a charge sheet was issued against him and on submission of explanation, a penalty of deferment of annual increments for a period of six months with cumulative effect was imposed on him vide proceedings dated 12.05.1999, without holding any regular departmental enquiry. Aggrieved by the same, the petitioner carried the matter in appeal. The appellate authority issued a notice proposing to enhance the punishment and, without considering the explanation of the petitioner and crucial aspect of not conducting enquiry by the disciplinary authority, imposed the enhanced punishment of deferment of annual increment for a period of two years with cumulative effect vide proceedings dated 28.06.2000 and the same was confirmed by the review authority by its proceedings dated 06.10.2000. Aggrieved

by the same, the writ petition is filed.

There is no necessity of going into all the details.

Admittedly, no departmental enquiry was conducted before passing the major punishment of stoppage of increment for a period of six months with cumulative effect. No such enquiry was conducted either by the disciplinary authority or by the appellate authority. Therefore, I am of the opinion that ex-facie the order passed by the Depot Manager imposing punishment and the order passed by the appellate authority enhancing the said punishment as confirmed by the review authority, are illegal and liable to be set aside in view of the Judgment of the Hon'ble Supreme Court in **Kulwanth Singh Gill vs. State of Punjab**[1]. Apart from that, innumerable cases have been disposed of by this Court, following the said Judgment.

In view of the above, the impugned order passed by the Depot Manager imposing punishment of deferment of annual increment for a period of six months with cumulative effect and the order passed by the appellate authority enhancing the said punishment to two years as confirmed by the review authority are liable to be set aside and accordingly set aside. However, in view of the fact that this writ petition is filed belatedly, the petitioner is not entitled for any arrears of such increments, but, he is entitled for restoration of his annual increments with effect from 01.04.2007.

With the above directions, the writ petition is

disposed of. No costs.

C.V. RAMULU, J

6th February, 2007.
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[1] 1990 (1) LLJ 635